THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5782 of 1999

DATED:18-08-2005

Between:

B. Chandrayya S/o Chandrayya
D.No.9-26-4, Asilmetta,
Viskhapatnam

..... PETITIONER

AND

1 Industrial Tribunal-cum-Labour Court, Rep. by Presiding Officer, Visakhapatnam.
2 The Chairman, Visakhapatnam Dock Labour Board, Visakhapatnam

.....RESPONDENT(S)

THE HONOURABLE SRI JUSTICE C.V.RAMULU

W.P.NO.5782 OF 1999

ORDER:

This writ petition is filed by the workman being aggrieved by the Award made in I.D. No. (C) 10/95 dated 29-7-1998 on the file of the Industrial Tribunal-cum-Labour Court at Visakhapatnam.

It is the case of the workman that he joined the service of the respondent-Visakhapatnam Dock Labour Board on 18-5-1964 . He was working as such. While so, on 23-9-1977, the workman was asked to appear before the

Medical Board for routine medical check up. On 22-9-1997, it was off for the workman and in fact he was sent for by the Labour Officer and therefore, he approached the office and he was told that his application dated 22-9-1977 was accepted and was paid all the benefits. According to the workman, he never submitted any representation purported to have been made by him on 22-9-1997 availing voluntary retirement scheme.

In fact, there is evidence to show that the workman filed a representation, Ex.M.1, for availing voluntary scheme and the same was accepted under Ex.M.5. In the light of this evidence and in the absence of any positive evidence produced by

the workman, the Labour Court came to the conclusion that the workman is not entitled for any relief and accordingly, the claim was rejected. Aggrieved by the same, the present writ petition is filed.

I am of the opinion that the Labour Court has not committed any error in coming to such conclusion. As seen from the above, the workman was appointed on 18-5-1964 and he was permitted to retire voluntarily with effect from 23-9-1997 and thereafter he raised a dispute. When the authorities refused to refer the matter, he filed a writ petition before this Court and this Court directed the authorities to refer the matter to the Labour Court and the matter was referred to the Labour Court, which was numbered as I,.D.No. (C)10 of 1995 and which was finally decided on 29-7-1998. These facts may not be of much relevance including the fact that the workman is aged about 70 years as of now. But, in view of the fact that workman has not produced any positive evidence to show that Ex.M.1 was executed under coercion or duress, the Labour Court has not committed any error in dismissing the claim petition filed by the workman. The writ petition is devoid of merit and is liable to be dismissed.

The writ petition is accordingly dismissed. No order as to costs.

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C.V.RAMULU,J

18-08-2005

Stp